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Attorney for Defendants

SCOOBEEZ AND AVITUS, INC.

dba AVITUS GROUP

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION**

DE'VON WALKER, on behalf of himself  
and others similarly situated,

Plaintiff,

v.

SCOOBEEZ, a California Corporation;  
AVITUS, INC., a Montana corporation;  
AVITUS GROUP, an unknown business  
entity; SCOOBEEZ, INC. CORP LA., a  
business entity of unknown form; and  
DOES 1 through 50, inclusive,

Defendants.

**Case No.: 2:18-cv-6108 AB (RAOx)**

**DECLARATION OF RAFAEL  
NENDEL-FLORES IN SUPPORT  
OF DEFENDANTS SCOOBEEZ'S  
AND AVITUS, INC.'S MOTION  
TO COMPEL INDIVIDUAL  
ARBITRATION AND TO  
DISMISS OR, IN THE  
ALTERNATIVE, STAY THE  
PROCEEDINGS**

*[Filed concurrently with Notice of  
Motion and Motion to Compel  
Individual Arbitration and to Dismiss  
or, in the alternative, Stay The  
Proceedings; Declarations of Jodi  
Milliron, Sarah Staus and Pablo  
Olvera; and [Proposed] Order]*

*Date: August 24, 2018*

*Time: 10:00 a.m.*

*Location: Courtroom 7B*

**Complaint Filed: May 29, 2018**

**Trial Date: None Set**

**DECLARATION OF RAFAEL NENDEL-FLORES**

I, Rafael Nendel-Flores, declare and state as follows:

1. I am an attorney at law duly licensed to practice before the Central District of California and all California State Courts. I am a partner with LeClairRyan, LLP, attorneys of record for Defendants Scoobeez and Avitus (collectively "Defendants").

2. This Declaration is made in support of Defendants' Motion to Compel Contractual Arbitration.

3. On July 11, 2018, I sent an e-mail to Mr. David Yermian of David Yermian & Associates Inc., attorneys of record for Plaintiff De'Von Walker. I informed Plaintiff's counsel that Plaintiff executed a binding and enforceable arbitration agreement and asked that Plaintiff stipulate to individual arbitration. I requested that Plaintiff's counsel to respond by July 17, 2018. A true and correct copy of the email is attached hereto as **Exhibit A**.

4. On July 13, 2018, Plaintiff's counsel replied via e-mail requesting a brief extension to respond to the demand. A true and correct copy of the e-mail is attached hereto as **Exhibit A 1**.

5. On July 14, 2018, I notified Plaintiff's counsel that, due to Central District's Local Rules, Defendants' motion to compel arbitration needed to be filed by Friday July 20, 2018. I asked counsel to provide a response by Tuesday July 17, 2018. A true and correct copy of the e-mail is attached hereto as **Exhibit A 2**.

6. On July 18, 2018, Plaintiff's counsel advised that Plaintiff would not stipulate to individual arbitration. A true and correct copy of the e-mail is attached hereto as **Exhibit A 3**.

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1 I declare under penalty of perjury pursuant to the laws of the State of  
2 California and the United States of America that the foregoing is true and correct.

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4 Executed on this 20th day of July, 2018 at Los Angeles, California.

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